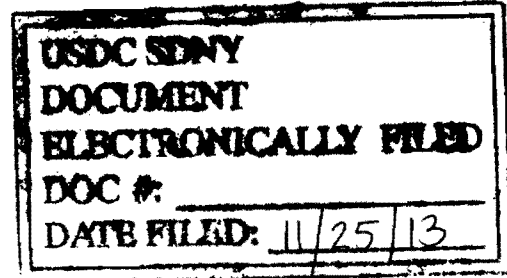


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
:
IN RE: METHYL TERTIARY BUTYL :
ETHER ("MTBE") PRODUCTS :
:
LIABILITY LITIGATION :
----- :
:

ORDER

This document relates to:

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

All Cases
----- :
:
:
X

SHIRA A. SCHEINDLIN, U.S.D.J.:

CASE MANAGEMENT ORDER #113

This Order memorializes the rulings made during the status
conference held on November 18, 2013.

1. *New Jersey case*

A. **Settlement Submission Protocol**

The parties shall draft a settlement submission protocol that includes
the following language or language that is substantially similar:

A defendant must in good faith make all of its arguments
and objections to a settlement during the thirty-day comment
period, but does not waive the right to raise further objections
if it discovers new facts during the comment period.
Defendants will have a ten-day grace period after the
comment period to raise those additional objections.

2. *Puerto Rico* case

A. Pending Summary Judgment Motions for Vitol and IAC

The Court will consider the Vitol and IAC Summary Judgment Motions together. Plaintiffs may use their opposition papers in the IAC case to address arguments raised in Vitol's reply. However, Plaintiffs must adhere to the fifteen-page limit set forth in the September 30, 2013 Letter Endorsement.

B. CMO 4 Declarations

All Defendants must submit CMO 4-styled Declarations to Plaintiffs by November 26, 2013. If Plaintiffs identify deficiencies with any of the Declarations, I will refer the matter to Special Master Warner.

C. Sunoco's Rule 30(b)(6) Witnesses

Plaintiffs may depose Sunoco's 30(b)(6) witnesses, as long as the deposition topics are non-duplicative of prior deposition topics. They must focus only on: (i) how gasoline was manufactured and whether MTBE was blended into gasoline at the Peerless terminal; and (ii) what warnings were provided to Puerto Rico Sun Oil's customers. The depositions must be conducted by December 20, 2013, the new discovery deadline.

D. Declarations Regarding the Authenticity of Documents

Plaintiffs must promptly inform Defendants whether the proposals

submitted by Esso and Exxon are acceptable. If so, all other Defendants should submit declarations, using the Esso and Exxon proposals as a model. If not, Plaintiffs must immediately notify Defendants of the deficiencies and attempt to resolve the dispute with a prompt meet and confer. Any unresolved dispute on this issue is referred to Special Master Warner. Plaintiffs must also submit declarations of authenticity. All parties must submit declarations before the December 20, 2013 discovery deadline.

E. IAC's Motion to Delay Depositions Past December 6, 2013

The deposition of IAC's corporate representative must take place before December 20, 2013, the new discovery deadline.

F. Preparation of Plaintiffs' Corporate Witness, Bruce Green, on MTBE Knowledge

Plaintiffs must produce a witness who was present at the EPA training and is prepared to testify to Plaintiffs' early knowledge of MTBE. Mr. Green is not a proper witness. The depositions must take place before the close of discovery on December 20, 2013.

3. *City of Fresno* case

A. Application of the Court's September 10, 2013 Ruling on Lack of Injury to the Remaining Stations

By November 26, 2013, Plaintiffs must inform the Court whether the

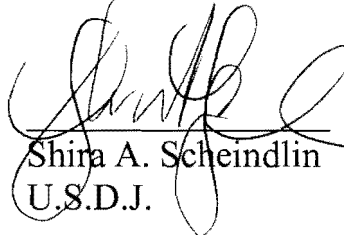
parties have negotiated a dismissal of the remaining stations. The letter should indicate whether the dismissal is with or without prejudice. If the parties disagree as to whether dismissal should be with or without prejudice, Defendants may submit a motion for summary judgment on the issue by January 10, 2014. Plaintiffs opposition papers are due January 30, 2014. Reply papers are due February 14, 2014.

If Plaintiffs have uncovered new evidence of injury at any of the remaining stations such that dismissal is not warranted, Plaintiffs should identify those stations in their November 26 letter. Defendants may file summary judgment motions as to those stations. The briefing schedule is as stated above.

B. Dismissal of Tesoro and Kern with Prejudice

Tesoro and Kern are dismissed with prejudice for the stations at issue in the *City of Fresno* case.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
November 25, 2013

-Appearances-

Liaison Counsel for Plaintiffs:

Robin Greenwald, Esq.
Robert Gordon, Esq.
Weitz & Luxenberg, P.C.
180 Maiden Lane
New York, New York 10038
Tel: (212) 558-5500
Fax: (212) 344-5461

Liaison Counsel for Defendants:

Peter John Sacripanti, Esq.
James A. Pardo, Esq.
McDermott Will & Emery LLP
50 Rockefeller Plaza, 11th Floor
New York, New York 10020
Tel: (212) 547-5583
Fax: (212) 547-5444